

FEDERAL DEFENDER OFFICE
DISTRICT OF MASSACHUSETTS
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U.S. DISTRICT COURT
DISTRICT OF MASS
June 6, 2006

Donald Cabell, AUSA
U.S. Attorney's Office
John Joseph Moakley
United States Courthouse, Suite 9200
1 Courthouse Way
Boston, MA 02210

Re: United States v. Michael Pridgen
Criminal No. 04-10375 RWZ

Dear Don,

This letter is in regard to the upcoming trial in the above-captioned case. Please get back to me concerning this letter right away so that, if we are unable to agree on dates for materials to be provided, I can seek an order from the court.

1. Request to inspect evidence.

In a letter dated June 3, 2005, I requested to see photographs taken in connection with this case and all physical evidence. I also orally requested to see this evidence numerous times. Based on conversations we had, I expected pictures to be brought to the hearing on the motion to suppress for my inspection. I note that the Incident Report pertaining to this case states that polaroid photographs were taken of the evidence, Mr. Pridgen's pants were held as evidence, and that "the VD50 took photographs of the scene." At the motion to suppress, the sweatshirt was brought to court, but you represented that there was no other physical evidence, as the pictures and Mr. Pridgen's pants could not be located.

I have seen the guns and ammunition and the sweatshirt in connection with the case. I have not seen any other physical evidence. If there is any physical evidence pertaining to this case other than the gun, ammunition and sweatshirt, including but not limited to pictures and items of clothing, please notify me at once and provide me with copies of any pictures or an opportunity to view any clothing by Friday, June 9. This request is made under F. R. Crim. P. 16 (a) (1) (E).

2. Disclosures under Local Rule 117.1.

A. I request discovery concerning expert witnesses under Fed. R. Crim. P. 16(a)(1)(G). Please provide this information by Friday, June 9.

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B. I request exculpatory information identified in Local Rule 116.2 (B)(2). Please provide this information by Friday, June 9.

C. I request a general description of any crime, wrong, or act of the defendant the government proposes to offer pursuant to Fed. R. Evid. 404(b), including but not limited to any evidence the government intends to introduce concerning gang or gang-related activities and regardless of whether such evidence will be admitted in the government's case in chief, rebuttal or cross-examination. I request that this information be disclosed by Friday, June 9.

D. I request the production of Jencks materials as defined by 18 U.S.C. §3500(e) and Fed. R. Crim. P. 26.2(f) by Friday, June 9, including but not limited to grand jury minutes, statements, including notes, and reports of any witnesses you intend to call. I am requesting that you inquire from the Boston Police and the Bureau of Alcohol, Tobacco and Firearms whether they possess any additional statements, reports, or evidence subject to disclosure. I have received grand jury minutes for two civilian witnesses, Martha Holley and Steven Gilchrist, and for one law enforcement witness, Lisa Rudnicki. I request grand jury minutes for any other witnesses.

E. I request that we agree on a date for the filing of motions in limine, proposed voir dire questions, and proposed jury instructions.

F. I request that you agree to provide me with names and addresses of witnesses, and copies of exhibits and a pre-marked list of exhibits seven days before the trial date, and I will agree to provide the same to you three days before the trial date. I request immediate production of a list of law enforcement officers you intend to call. I request that you provide me by June 9 with information about whether any of the law enforcement agents participating in the investigation or trial of this case (including members of the Bureau of Alcohol, Tobacco, and Firearms) have been the subject of an investigation for disciplinary action or criminal investigation, involving false statements, perjury, obstruction of justice, receipt of gratuities, or violation of rights of a criminal suspect or defendant.

3. Proposed Stipulation.

I am attaching a proposed stipulation concerning the defendant's felony conviction.

Thank you.

Sincerely,

Page Kelley 

Page Kelley
Assistant Federal Defender

PK/cmc